

REMARKS

In order to address certain formalities, amendments to claim 16 have been proposed. No claims have been added or cancelled. Accordingly, claims 1-20 are all of the pending claims. Claims 4-8 and 11-13 are currently withdrawn from consideration. In view of the following remarks, reconsideration and allowance of all the pending claims is anticipated.

Entry of the Amendment is proper under 37 C.F.R. §1.116 as the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not present any new issues that would require further consideration and/or search as the amendments merely amplify issues discussed throughout the prosecution; (c) do not present any additional claims without canceling a corresponding number of claims; (d) place the application in better form for appeal, should an appeal be necessary; and (e) were not made earlier because they are made in response to the points first presented in the final Office Action. Entry of the Amendment is thus respectfully requested along with withdrawal of the final Office Action.

Objections to the Drawings

The Examiner has objected to the drawings on the grounds that they do not show every feature of the claimed invention. More specifically, the Examiner asserts that *"the location of the claimed element shown in Figure 3A must be shown or the feature(s) cancelled from the claim(s)."* Applicant is unable to respond to this objection as the Examiner has not particularly pointed out any specific claim elements that are allegedly missing from the drawings. Should the Examiner perfect this objection by enumerating one or more features that are allegedly absent from the drawings, Applicant will respond appropriately.

Objections to the Claims

The Examiner has objected to claim 16 for a variety of formal deficiencies. Applicant apologizes for its error to properly amend claim 16 in the Amendment filed December 28, 2005. In response to the present objections, Applicant has proposed an amendment to claim 16 that obviates these objections. Specifically, claim 16 now

recites a polarizer mounted in the aperture of the diaphragm (if there is one aperture) or in each aperture of the diaphragm (of more than one aperture in the diaphragm). Accordingly, Applicant requests that the Examiner enter the proposed amendment under 37 C.F.R. 1.116.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-3, 9, 10, 15, 17, and 20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0248043 to Shiraishi (hereinafter "Shiraishi"). Applicant traverses this rejection as improper at least because (1) Shiraishi was not published at least 1 year prior to the U.S. filing date of the instant application, and (2) Shiraishi does not qualify as prior art under 35 U.S.C. § 102(e).

Shiraishi was published on December 9, 2004. The U.S. filing date of the present application is April 2, 2004. Therefore, since Shiraishi was not published at least 1 year prior to the U.S. filing date of this application, the rejection of the claims under 35 U.S.C. § 102(b) in view of Shiraishi is improper.

Further, Shiraishi claims priority from U.S. provisional patent application no. 60/486,283 (hereinafter "the '283 application"), which was filed on July 11, 2003. Even if the portions of Shiraishi cited by the Examiner are supported adequately by the disclosure of the '283 application, the instant application has a priority date of April 7, 2003. See, e.g., the Application Data Sheet filed April 2, 2004. Accordingly, the perfected and acknowledged priority date of the instant application pre-dates any claim of priority that can be asserted with respect to Shiraishi, which means that Shiraishi does not qualify as prior art under 35 U.S.C. § 102(e).

For at least these reasons the rejection of claims 1-3, 9, 10, 15, 17, and 20 based on Shiraishi is improper and should be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claim 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shiraishi in view of U.S. Patent Application Publication No. 2003/0020892 to Orino (hereinafter "Orino"). For the reasons provided above, Applicant traverses this rejection as improper at least because Shiraishi does not qualify as prior art under 35 U.S.C. § 102(b) or (e) and the Examiner has not

otherwise asserted how Shiraishi qualifies as prior art. Accordingly, the rejection of claim 14 is improper and should be withdrawn.

CONCLUSION

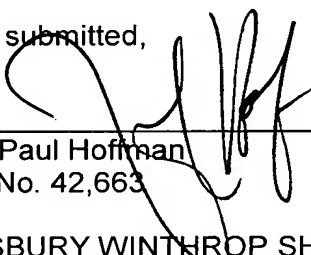
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is anticipated.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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